

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
APR 02 2008
CLERK

COMMUNICATIONS SERVICES FOR THE)	
DEAF VIDEO RELAY SERVICE, LLC,)	CIV No. 08 - <u>4047</u>
)	
Plaintiff,)	NOTICE OF REMOVAL
vs.)	
)	
SIGN LANGUAGE ASSOCIATES,)	
)	
Defendant.)	

TO: THE CIRCUIT COURT, SECOND JUDICIAL CIRCUIT, MINNEHAHA COUNTY, AND PLAINTIFF, COMMUNICATIONS SERVICES FOR THE DEAF VIDEO RELAY SERVICE, LLC, AND THEIR ATTORNEYS WILLIAM G. BECK, CHERI S. RAYMOND, AND SARA GEFF DANNEN:

Defendant Sign Language Associates (hereinafter referred to as "Defendant") pursuant to 28 U.S.C. § 1446, gives Notice of Removal of the above-entitled action from Circuit Court, State of South Dakota, County of Minnehaha, Second Judicial Circuit, to the United States District Court, District of South Dakota, Southern Division. Defendant states the following in support of this Notice of Removal:

1. On or about March 14, 2008, this action was commenced against Defendant Sign Language Associates by personal service of a Summons and Complaint. The Summons and Complaint are attached hereto as Exhibits 1 and 2. The Summons, the Complaint, Plaintiff Communications Services For the Deaf Video Relay Service, LLC's (hereinafter referred to as "Plaintiff") Motion for Preliminary Injunction, attached hereto as Exhibit 3; Plaintiff's Brief in Support of Motion for Preliminary Injunction, attached hereto as Exhibit 4; Plaintiff's Motion for Protective Order to Seal Proceedings and Record, attached hereto as Exhibit 5; Plaintiff's Brief in Support of Motion for Protective

Order to Seal Proceedings and Record, attached hereto as Exhibit 6; and Notice of Hearing, attached hereto as Exhibit 7; and Plaintiff's Interrogatories and Requests for Production of Documents to Defendant (First Set), attached hereto as Exhibit 8 constitute the only process served upon Defendant in this matter.

2. This court has original jurisdiction of this action pursuant to 28 U.S.C. § 1332 because, according to the Complaint, Plaintiff is a South Dakota limited liability company with no members who are citizens of either the District of Columbia or Maryland, and Defendant is a District of Columbia corporation with its principal place of business in Maryland. Based upon the demands made by Plaintiff, the amount in controversy, exclusive of interests and costs, exceeds \$75,000. Removal of this action to this Court is proper pursuant to 28 U.S.C. § 1441(a).

3. Written notice of the filing of this Notice of Removal is being served by mail this date on Plaintiff's counsel of record, pursuant to 28 U.S.C. § 1446 (d).

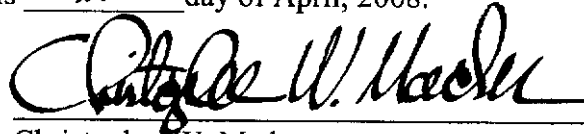
4. A true and correct copy of this Notice of Removal is being filed this date with the Minnehaha County Clerk of Courts, Second Judicial Circuit, State of South Dakota, pursuant to 28 U.S.C. § 1446(d).

5. This Notice of Removal is being filed within thirty (30) days of service of the Summons and Complaint, in accordance with 28 U.S.C. § 1446 (b).

6. Defendant desires to remove this action from the Second Judicial Circuit, Minnehaha, South Dakota, and that all further matters herein proceed in the United States District Court of the District of South Dakota, Southern Division.

WHEREFORE, Defendant prays that the action now pending in the Second Judicial Circuit, Minnehaha County, State of South Dakota, be removed therefrom to the United States District Court, District of South Dakota, Southern Division.

Dated at Sioux Falls, South Dakota this 2 day of April, 2008.



Christopher W. Madsen
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Attorney for Defendant,
Sign Language Associates

CERTIFICATE OF SERVICE

I, Christopher W. Madsen, do hereby certify that I am a member of the law firm of Boyce, Greenfield, Pashby & Welk, L.L.P., attorneys for Defendant and that on the 2nd day of April 2008, a true and correct copy of the *Notice of Removal* was served via hand-delivery on the following:

William G. Beck
Woods, Fuller, Shultz & Smith
300 South Phillips Avenue, Ste. 300
Sioux Falls, SD 57104

Cheri S. Raymond
Woods, Fuller, Shultz & Smith
300 South Phillips Avenue, Ste. 300
Sioux Falls, SD 57104

Sara Geff Dannen
Woods, Fuller, Shultz & Smith
300 South Phillips Avenue, Ste. 300
Sioux Falls, SD 57104



Christopher W. Madsen